



04-09-03
#6

3736
5/12/03
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Eberhard **FRITZ** and Gerd **PHILLIPPS**

Application No.: *WRONG* **10/018,623**

10/018,619

Filed: **December 17, 2001**

For: **RADIATION SOURCE FOR ENDOVASCULAR RADIATION TREATMENT**

Attorney Docket: **3993.003**

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APR 29 2003

TECHNOLOGY CENTER R3700

**PETITION UNDER 37 C.F.R. §1.181 TO WITHDRAW A
HOLDING OF ABANDONMENT AND, ALTERNATIVELY, PETITION
UNDER 37 C.F.R. §1.137(b) TO REVIVE ABANDONED APPLICATION**

ATTN: BOX DAC
Honorable Commissioner of
Patents & Trademarks
Washington, DC 20231

Sir:

The undersigned, on behalf of Applicants, petitions the Commissioner to withdraw a holding of abandonment of the above-identified application. The application is indicated as abandoned for failure to respond to the Notification of Missing Requirements mailed February 15, 2002. However, a Response to Notification of Missing Requirements under 35 U.S.C. 371 In the United States Designated/Elected Office filing the Declaration and Power of Attorney was filed with the U.S.P.T.O. on March 11, 2002, but has evidently been misplaced by the U.S.P.T.O. Submitted herewith are copies of the following documents:

- 1) Copy of Response and attachments filed;
- 2) Copy of postcard marked "Rec'd PCT/PTO 22 Mar 2002";
- 3) Notice of Abandonment; and
- 4) Request for Refund with Assertion of Small Entity Status.

From documents 1-2 above, it is clear that this firm, representing Applicants, duly responded to the Notification of Missing Requirements under 35 U.S.C. 371 In The United States Designated/Elected Office on March 11, 2002. Document 2 is

04/10/2003 ALEXANDRA 00000104 160377 10018623

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U.S. Application No.: 10/018,623
PETITION UNDER 37 C.F.R. §1.181 TO WITHDRAW A
HOLDING OF ABANDONMENT AND, ALTERNATIVELY, PETITION
UNDER 37 C.F.R. §1.137(b) TO REVIVE ABANDONED APPLICATION

Attorney Docket: 3993.003

proof that the U.S.P.T.O. received the documents.

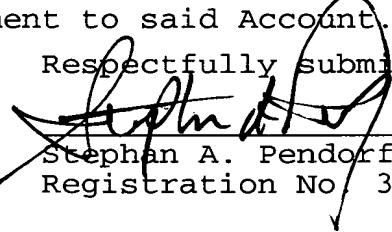
In view of the above, it is respectfully submitted that the application should not have been abandoned and the Commissioner is petitioned to withdraw the holding of abandonment.

Alternatively, the undersigned petitions the Commissioner to revive the above-identified application under 37 C.F.R. §.137(b) for the following reasons:

- (1) the abandonment was unintentional; and
- (2) a proper response is submitted herewith in the form of a copy of the Response (Documents 1 and 2).

Please charge any necessary fees, including the petition fee of \$650.00, to Deposit Account No. 16-0877 and charge or credit any difference or overpayment to said Account.

Respectfully submitted,



Stephan A. Pendorf

Registration No. 32,665

Pendorf & Cutliff
5111 Memorial Highway
Tampa, FL 33634-7356
(813) 886-6085

Date: April 8, 2003

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U.S. Application No.: 10/018,623
PETITION UNDER 37 C.F.R. §1.181 TO WITHDRAW A
HOLDING OF ABANDONMENT AND, ALTERNATIVELY, PETITION
UNDER 37 C.F.R. §1.137(b) TO REVIVE ABANDONED APPLICATION

Attorney Docket: 3993.003

EXPRESS MAIL CERTIFICATE

"EXPRESS MAIL" MAILING LABEL NUMBER: **Ev348894561US**

DATE OF DEPOSIT: **April 8, 2003**

I HEREBY CERTIFY that the foregoing PETITION UNDER 37 C.F.R. §1.181 TO WITHDRAW A HOLDING OF ABANDONMENT AND, ALTERNATIVELY, PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE ABANDONED APPLICATION and a stamped return receipt post card are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated and is addressed: **ATTN: Box DAC, Commissioner of Patents and Trademarks, Washington, D.C. 20231.**

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account Number 16-0877.



Bonnie L. Horst

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OFFICE OF PETITIONS



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Eberhard FRITZ and Gerd PHILLIPS

Appln. No.: 10/018,623

Group Art Unit:

Filed: December 17, 2001

For: RADIATION SOURCE FOR ENDOVASCULAR RADIATION TREATMENT

Attorney Docket No.: 3993.003

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

ATTN: Box PCT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

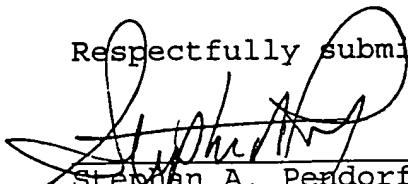
Sir:

Responsive to the Notification of Missing Requirements under
35 U.S.C. 371 in the United States Designated/Elected Office
dated February 21, 2002, (copy of which is attached hereto),
Applicant submits herewith:

1. The executed Declaration and Power of Attorney.

The Examiner is respectfully requested to acknowledge
receipt of the above documents.

Respectfully submitted,



Stephan A. Pendorf
Registration No. 32,665

PENDORF & CUTLIFF
P.O. Box 20445
Tampa, Florida 33622-0445
(813) 886-6085

Date: March 11, 2002

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OFFICE OF PETITIONS

U.S. Application No.: 10/018,623
Response to Notice of Missing Parts

Attorney Docket No.: 3993.003



CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that a copy of the foregoing NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE for U.S. Application No. 10/018,623 filed December 17, 2001, was deposited in first class U.S. mail, postage prepaid, addressed: Box: PCT, Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this 11th day of March, 2002.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.

A handwritten signature in black ink, appearing to read "Stephan A. Pendorf".

Stephan A. Pendorf

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OFFICE OF PETITIONS



JCS RECEIVED 22 MAR 2002

Atty Docket No.: <u>3993.003</u>	Serial No.: <u>10/18,623</u>	Filing Date: <u>22 MAR 2002</u>
Applicant: <u>E. Feitz and C. Phillips</u>	<u>Source for endoscopy Rodanzo Testoster</u>	
Title/Mark: <u>Endoscopy</u>	THE MAIL ROOM STAMP BELOW ACKNOWLEDGES RECEIPT OF THE FOLLOWING DOCUMENTS ON THE DATE INDICATED ON THE MAIL ROOM STAMP.	
DOCUMENTS ON THE DATE INDICATED ON THE MAIL ROOM STAMP.		
<input type="checkbox"/> Appl'n for Patent/PCT with:	<input type="checkbox"/> Appl'n for TM/SM with Drawing and	
<input type="checkbox"/> — pg of specification	<input type="checkbox"/> specimens of the mark	
<input type="checkbox"/> — pg of Claims	<input type="checkbox"/> Appl'n for Copyright Registration and	
<input type="checkbox"/> — pg of Drawings Informal/Formal	<input type="checkbox"/> deposits.	
<input type="checkbox"/> — pg of Abstract	Request for <u>Base Issue Fee Forms</u>	
<input type="checkbox"/> — pg of Abstract	<input type="checkbox"/> month Extension of Time	
<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Base Issue Fee Forms	
<input type="checkbox"/> Inventor's Declaration	<input type="checkbox"/> Status Inquiry	
<i>(Signature)</i>		
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> <u>Source of Information</u>	
<input type="checkbox"/> Amendment	<input type="checkbox"/> <u>of Feitz</u>	
<input type="checkbox"/> Assignment	<input type="checkbox"/> <u>beginning</u>	
<input type="checkbox"/> Letter to Draftsman	<input type="checkbox"/> <u>of Feitz</u>	
<input type="checkbox"/> — pg of Informal Drawings	<input type="checkbox"/> <u>beginning</u>	
<input type="checkbox"/> — pg of Formal Drawings	<input type="checkbox"/> <u>of Feitz</u>	

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box 9011
 United States Patent and Trademark Office
 Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/018,619	Eberhard Fritz	3993.003

Stephan A Pendorf
 Pendorf & Cutliff
 P O Box 20445
 Tampa, FL 33622-0445



INTERNATIONAL APPLICATION NO.	
PCT/EP00/05631	
I.A. FILING DATE	PRIORITY DATE
06/19/2000	06/18/1999

CONFIRMATION NO. 4988

371
 ABANDONMENT/TERMINATION
 LETTER



OC000000009394560

Date Mailed: 01/17/2003

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS, mailed 02/15/2002 within the time period set therein.

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Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

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 OFFICE OF PETITIONS



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Eberhard FRITZ and Gerd PHILLIPS

Appln. No.: **10/018,623**

Filed: **December 17, 2001**

For: **RADIATION SOURCE FOR ENDOVASCULAR RADIATION TREATMENT**

Attorney Docket No.: **3993.003**

REQUEST FOR REFUND PURSUANT
TO 37 C.F.R. §1.28 AND CHANGE OF STATUS

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Attn: Refund Section, Accounting Division
Office of Finance

Sir:

Pursuant to 37 C.F.R. §1.28(A)(1), the undersigned attorney is entitled to a refund of \$600.00 based on the following:

1. That at the time of filing, Large Entity Fees were erroneously paid.

2. Assertion is hereby made that the inventors qualify as independent inventors as defined in 37 C.F.R. §1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the U.S. Patent and Trademark Office with regard to the invention entitled "RADIATION SOURCE FOR ENDOVACSULAR RADIATINO TREATMENT", described in the specification filed herewith.

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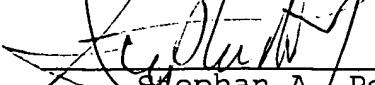
U.S. Application No.: 10/018,623
Request for Refund
and Change of Status

Attorney Docket: 3993.003



Accordingly, Applicants hereby request a refund of \$600.00
be credited to our Deposit Account No. 16-0877.

Respectfully submitted,


Stephan A. Pendorf
Registration No. 32,665

PENDORF & CUTLIF
P.O. Box 20445
Tampa, Florida 33622-0445
(813) 886-6085

Date: June 13, 2002

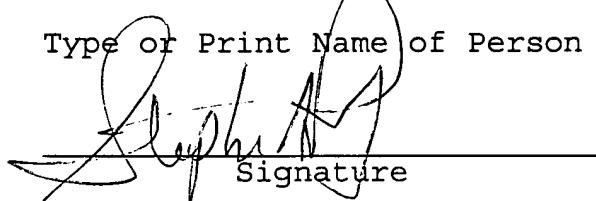
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TECHNOLOGY CENTER R3700

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing REQUEST FOR REFUND is
being facsimile transmitted to the Patent and Trademark Office,
facsimile number (703) 305-8007 on this 13th day of June, 2002.

Stephan A. Pendorf

Type or Print Name of Person Signing Certification

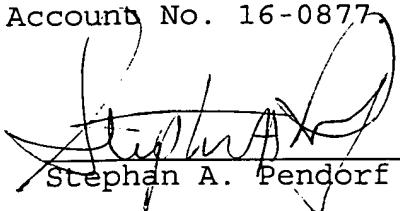

Signature

6-13-02

Date

AUTHORIZATION TO CHARGE

The Commissioner is hereby authorized to charge any
additional fees which may be required at any time during the
prosecution of this application without specific authorization,
or credit any overpayment, to Deposit Account No. 16-0877.


Stephan A. Pendorf

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	1360
DESTINATION TEL #	917033058007
DESTINATION ID	
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TIME USE	00'37
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RESULT	OK



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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Eberhard FRITZ and Gerd PHILLIPS

Appln. No.: 10/018,623

Filed: December 17, 2001

For: RADIATION SOURCE FOR ENDOVASCULAR RADIATION TREATMENT

Attorney Docket No.: 3993.003

REQUEST FOR REFUND PURSUANT
TO 37 C.F.R. §1.28 AND CHANGE OF STATUS

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Attn: Refund Section, Accounting Division
Office of Finance

Sir:

Pursuant to 37 C.F.R. §1.28(A)(1), the undersigned attorney is entitled to a refund of \$600.00 based on the following:

1. That at the time of filing, Large Entity Fees were erroneously paid.

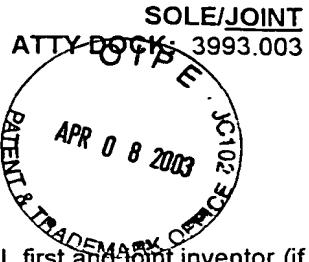
2. Assertion is hereby made that the inventors qualify as independent inventors as defined in 37 C.F.R. §1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the U.S. Patent and Trademark

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DECLARATION AND POWER OF ATTORNEY



As a below named inventor(s), I/We hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter, which is claimed and for which a patent is sought in the application entitled:

RADIATION SOURCE FOR ENDOVASCULAR RADIATION TREATMENT

This declaration is directed to:

the attached application
(for original application)

X Application No. 10/018,623
filed December 17, 2001, and amended on

(for declaration not accompanying application)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Filing Date	Priority Claimed (yes or no)
99 111 099.0	Europe	June 18, 1999	yes

I hereby claim the benefit of Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge my duty to disclose any material information under 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date	Status (patented, pending, abandoned)
-----------------	-------------	--

I hereby appoint Stephan A. Pendorf, Reg. No. 32,665; Yaté K. Cutliff, Reg. No. 40,577 and Evelyn A. Defillo, Reg. No. 45,630, my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to Stephan A. Pendorf at Pendorf & Cutliff, P.O. Box 20445, Tampa, FL 33622-0445.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date 13. Dec. 2001 First Inventor Eberhard FRITZ
First Name Eberhard Middle Initial F Last Name FRITZ

Residence same as mailing Signature Eberhard FRITZ
Mailing Address Gieselweg 1

Citizenship German 38119 Braunschweig, GERMANY

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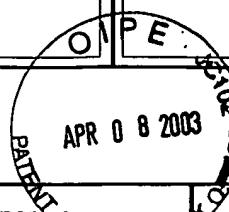
Date 14. Dec. 2001 First Inventor Gerd
First Name Gerd Middle Initial Last Name PHILLIPS
Residence same as mailing Signature Gerd
Mailing Address Gartenstrasse 16
Citizenship German 14169 Berlin, GERMANY

Change Of Attorney Or Agent's Address In Application
(37 CFR 1.8(a))

Docket No.

3993.003

In Re Application Of: Eberhard FRITZ and Gerd PHILLIPPS



Serial No.
10/018,623

Filing Date
12/17/01

Examiner

Group Art Unit

Invention: RADIATION SOURCE FOR ENDOVASCULAR RADIATION TREATMENT

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Please send all correspondence for this application to:

Stephan A. Pendorf
PENDORF & CUTLIFF
5111 Memorial Highway
Tampa, FL 33634-7356

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TECHNOLOGY DIVISION R3706

Please direct all telephone calls to:

(813) 886-6085
(813) 886-6720 - facsimile
Pendorf@Patentcentral.com

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OFFICE OF PETITIONS

Signature of Attorney or Agent of Record

Stephan A. Pendorf
Registration No. 32,665
5111 Memorial Highway
Tampa, FL 33634-7356

Registration Number & Address of Attorney or Agent of Record

Dated: April 8, 2003

I certify that this document is being deposited on
April 8, 2003 with the U.S. Postal Service as first
class mail under 37 C.F.R. 1.8 and is addressed to the
Assistant Commissioner for Patents Washington, D.C.
20231

Signature of Person Mailing Correspondence

Stephan A. Pendorf

Typed or Printed Name of Person Mailing Correspondence